

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Alt Platform, Inc.,

Plaintiff,

-against-

Joseph Barucci,

Defendant.

ANALISA TORRES, District Judge:

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
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23 Civ. 10737(AT)

**ORDER**

On January 4, 2024, the Court ordered Defendant to file his answer, move to dismiss, or otherwise respond to the Complaint by February 12, 2024. ECF No. 15. Although Defendant has filed a motion to dismiss, ECF No. 17, he has not done so in compliance with the Court's Individual Rules.

The Court's Individual Rules require a party seeking to move to dismiss to exchange letters with opposing counsel prior to filing a pre-motion letter with the Court. *See* Individual Rules III(B). Subsequently, if "the defendant still wishes to file a motion to dismiss, the parties shall follow the steps set forth in Rule III(A) . . . for pre-motion letters, and this second set of letters shall be emailed to and filed with the Court." *Id.* III(B)(iii).

Accordingly, Defendant's motion to dismiss is DENIED without prejudice to refile. By **March 11, 2024**, the parties shall exchange pre-motion letters and then file their second set of pre-motion letters in accordance with the Court's Individual Rules.

SO ORDERED.

Dated: February 13, 2024  
New York, New York



ANALISA TORRES  
United States District Judge